

1 Jeremy T. Bergstrom, Esq.  
Arizona Bar No. 19399  
2 MILES, BAUER, BERGSTROM & WINTERS, LLP  
2200 Paseo Verde Pkwy., Suite 250  
3 Henderson, NV 89052  
(702) 369-5960 / FAX (702) 369-4955  
4 File No. 10-90238

5 Attorneys for Secured Creditor,  
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING,  
6 LP

7  
8 UNITED STATES BANKRUPTCY COURT  
9 FOR THE DISTRICT OF ARIZONA

10 In re:

Chapter 13

11 ROGER SCHWANKE,

Case No.: 2:10-bk-00482-RTB

12 Debtor.

13 BAC HOME LOANS SERVICING, LP FKA  
COUNTRYWIDE HOME LOANS  
SERVICING, LP,

14 Movant,

15 vs.

16 ROGER SCHWANKE, Debtor; RUSSELL A.  
17 BROWN, Trustee,

18 Respondents.

19  
20 **OBJECTIONS TO PROPOSED CHAPTER 13 PLAN**  
**AND CONFIRMATION THEREOF**

21 BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS  
22 SERVICING, LP, Secured Creditor in the above-entitled Bankruptcy proceeding, hereby submits  
23 the following Objections to the Confirmation of that certain Chapter 13 Plan proposed by  
24 Debtor:

1 This objecting Secured Creditor holds the first Trust Deed on the subject property  
2 generally described as: **17580 West Marconi Avenue, Surprise, AZ 85388**. As of January 8,  
3 2010, **the amount in default was \$13,993.63**, representing monthly payments and late charges  
4 due from May 1, 2009 through January 1, 2010; advances for taxes and insurance, if any; and  
5 foreclosure costs and attorneys' fees incurred with respect to the default.

6 **Debtor's Chapter 13 Plan fails to provide for any pre-petition arrears to be paid to**  
7 **Secured Creditor.**

8 Secured Creditor further requests the Court award Secured Creditor \$400.00 in attorney's  
9 fees for the necessity of this Objection and that said fees be paid by the Debtor either through the  
10 Plan or directly to Secured Creditor prior to completion of the Plan.

11  
12 **CONCLUSION**

13 Any Chapter 13 Plan proposed by Debtor must provide for and eliminate the Objections  
14 specified above in order to be reasonable and to comply with applicable provisions of the  
15 Bankruptcy Code. It is respectfully requested that confirmation of the Chapter 13 Plan as  
16 proposed by Debtor be denied.

17 WHEREFORE, Secured Creditor prays as follows:

- 18 (1) That confirmation of the proposed Chapter 13 Plan be denied.  
19 (2) For attorney's fees and costs incurred herein.  
20 (3) For such other relief as this Court deems proper.

21 MILES, BAUER, BERGSTROM & WINTERS, LLP

22 Dated: April 5, 2010 By: /s/ Jeremy T. Bergstrom, Esq.  
23 Jeremy T. Bergstrom, Esq.  
Attorney for Secured Creditor

24 (10-90238/objaznv.dot/mlb)

1 **CERTIFICATE OF MAILING**

2 The undersigned hereby certifies that on April 5, 2010, a copy of Secured  
3 Creditor's **OBJECTIONS TO PROPOSED CHAPTER 13 PLAN AND CONFIRMATION**  
4 **THEREOF** was served by depositing a copy of same in the United States Mail, in a postage  
5 prepaid envelope, addressed to:

6 **DEBTOR:**

7 Roger Schwanke  
8 17580 West Marconi Avenue  
9 Surprise, AZ 85388

10 **ATTORNEY FOR DEBTOR:**

11 Joseph W. Charles  
12 P. O. Box 1737  
13 Glendale AZ 85311

14 **CHAPTER 13 TRUSTEE:**

15 Russell A. Brown  
16 3838 N. Central Ave. Ste. 800  
17 Phoenix, AZ 85012

18 I declare under penalty of perjury under the laws of the State of Nevada that the  
19 foregoing is true and correct.

20 /s/ Michelle L. Benson

21 An Employee of Miles, Bauer, Bergstrom & Winters, LLP

22 (10-90238/objaznv.dot/mlb)